

SLR:dm 5585-69856-01 RCD/P101117US 474660 01/17/06

PATENT
Attorney Reference No. 5585-69856-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lu et al.

Application No. 10/522,043

Filed: 10/13/2005

Confirmation No. 6728

For: POLYPEPTIDE

Examiner: Not yet assigned

Art Unit: 1614

Attorney Reference No. 5585-69856-01

RECEIVED

17 JAN 2006

Legal Staff
International DivisionREQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

TO: PCT Legal Office
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(TOTAL PAGES TRANSMITTED: 8)

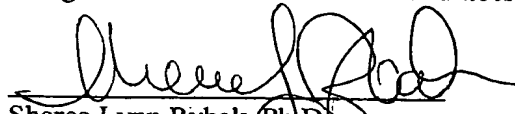
Two errors appear in the official Filing Receipt issued for the above-identified patent application, as follows:

- (1) The city of residence of Applicant Patricia Kuwabara should be: --Bristol--.
- (2) The title of the invention should be --Polypeptide--.

Attached hereto is a copy of the official Filing Receipt with the requested corrections shown thereon. Also attached is a copy of the Combined Declaration and Power of Attorney signed by applicant that shows her correct city of residence and the correct title of the invention. Also attached is a copy of the first page of the specification, which shows the correct title of the invention.

Please correct the identified errors and issue a corrected official Filing Receipt.

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being facsimile transmitted to fax number 571-273-0459 on the date shown below.


Sheree Lynn Rybak, Ph.D.
Registration No. 47,913

January 17, 2006
Date

cc: Docketing

Harrison Goddard / SUR



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| 10/522,043 | 10/13/2005 | 1614 | 1090 | 5585-69856-01 | 19 | 43 | 3 |

CONFIRMATION NO. 6728

FILING RECEIPT



OC000000017779540

24197
 KLARQUIST SPARKMAN, LLP
 121 SW SALMON STREET
 SUITE 1600
 PORTLAND, OR 97204

PREVIOUSLY REJECTED

4/11/06

Date Mailed: 01/05/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Bristol

- ✓ Xin Lu, London, UNITED KINGDOM;
 ✓ Patricia Kuwabara, Cambridge, UNITED KINGDOM;
 ✓ David Selwood, London, UNITED KINGDOM;

Power of Attorney: The patent practitioners associated with Customer Number 24197.

Domestic Priority data as claimed by applicant

- ✓ This application is a 371 of PCT/GB03/04296 10/03/2003

Foreign Applications

- ✓ UNITED KINGDOM 0223193.4 10/07/2002
 ✓ UNITED KINGDOM 0306261.9 03/19/2003

Projected Publication Date: 04/13/2006

Non-Publication Request: No

Early Publication Request: No

✓ ** SMALL ENTITY **

Title

 ~~P53 binding polypeptide~~ *e Polypeptide*

Preliminary Class

514

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Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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Title 35, United States Code, Section 184

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WDN/SLR:dm 12/14/04 Combined Declaration and Power of Attorney

Express Mail Label No. EV514612324US
Attorney Ref. No. 5585-69856-01**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled POLYPEPTIDE, the specification of which

- ☐ is attached hereto.
- ☐ was filed on _____ as United States Patent Application No. _____.
- ☒ was described and claimed in PCT International Application No. PCT/GB2003/004296, filed on 03 October 2003, and as amended under PCT Articles 19 on _____ (if applicable).
- ☒ and was amended on 24 September 2004 (if applicable).
- ☐ with amendments through _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56. If this is a continuation-in-part application filed under the conditions specified in 35 U.S.C. § 120 which discloses claims and subject matter in addition to that disclosed in the prior copending application, I further acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the applications(s) on which priority is claimed:

| Number | Country | Day/Month/Year Filed | Claim Priority? | |
|-----------|---------------|----------------------|---|-----------------------------|
| 0223193.4 | Great Britain | 07 October 2002 | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 0306261.9 | Great Britain | 19 March 2003 | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| Application Number | Filing Date |
|--------------------|-------------|
| | |

WDN/SLR:dm 07/22/05 356929 doc

Attorney Ref No 5585-69856-01

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT international application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application NumberFiling DateStatus: patented, pending, abandoned

I hereby appoint the practitioners associated with the customer number provided below to prosecute this application, to file a corresponding international application, and to transact all business in the Patent and Trademark Office connected therewith:

Customer Number 24197

I hereby grant the law firm of Klarquist Sparkman, LLP, the power to insert on this Combined Declaration and Power of Attorney any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for submitting this document.

Address all telephone calls to Sherree Lynn Rybak, Ph.D. at telephone number (503) 226-7391.

Address all correspondence to the address associated with **Customer Number 24197**, which address is:

Klarquist Sparkman, LLP
121 S.W. Salmon Street, Suite 1600
Portland, OR 97204

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Date

7th Sept 2005

5829 LIS

WDN/SLR:dm 12/14/04 Combined Declaration and Power of Attorney

Express Mail Label No. EV514612324US
Attorney Ref. No. 5585-69856-01

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| | |
|--------------------------|--|
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| Date | <u>10 January 05</u> |

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| Inventor's Signature | <u>David Selwood</u> |
| Date | <u>31 Jan 2005</u> |

WO 2004/031229

PCT/GB2003/004296

POLYPEPTIDE

The invention relates to a polypeptide, or part thereof, which inhibits the apoptotic activity of the tumour suppressor protein p53; screening methods to identify agents
5 which interfere with the activity of said polypeptide and agents with said activity.

Apoptosis, or programmed cell death, is a process by which multi-cellular organisms regulate cell number and differentiation. The process is regulated by factors which either induce or prevent apoptosis. Inducers of apoptosis include Bcl-2
10 family members, caspase family members and their associated factors Apaf-1 and Fadd. Caspases are synthesised as proenzymes which become activated after proteolytic cleavage. The active caspase then induces many of the morphological and biochemical changes associated with apoptosis. Mitochondria play a pivotal role in the activation process through the release of pro-apoptotic factors such as cytochrome
15 c, AIF and Diablo. The release from mitochondria is controlled by the Bcl-2 family of proteins; (e.g. Bcl-2 and Bcl-xl inhibit release; Bax and Bak induce release).

WO9953051 discloses a cytokine dependent protein p21 which has pro-apoptotic activity. p21 is expressed in a cytokine dependent manner in myeloid/erythroid cells.
20 These cells are dependent on IL-3 for growth and in the absence of IL-3 the translation of p21 is induced resulting in apoptosis and cell death. p21 is a cytoplasmic protein which translocates to the outer mitochondrial membrane to induce pro-apoptotic activities.

25 Tumour suppressor proteins also have pro-apoptotic activities.

Tumour suppressor genes encode proteins which function to inhibit cell growth or division and are therefore important with respect to maintaining proliferation, growth and differentiation of normal cells. Mutations in tumour suppressor genes result in
30 abnormal cell-cycle progression whereby the normal cell-cycle check points which arrest the cell-cycle, when, for example, DNA is damaged, are ignored and damaged